IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION

WRIT PETITION NO.1013 OF 2006

Ratanlal Kalicharan Gupta ...Petitioner.

Versus

The Municipal Corporation
of Greater Bombay ...Respondents.

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Mr.Anil R.Mishra, Advocate for the Petitioner.
Ms.Trupti Puranik, Advocate for the Respondents.

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CORAM : **F.I.REBELLO AND**
SMT.V.K.TAHILRAMANI,JJ.

DATED : **JUNE 22, 2006.**

ORAL ORDER :

1. Heard Mr.Mishra learned Counsel for the Petitioner and Ms.Puranik learned Counsel for the Respondent.

2. The petitioner was carrying on his business, in the name and style of M/s.Kailash Hotel, from structure/shop being RXX 144 1/1, admeasuring about 51 sq.mtr. situated on the land bearing CTS No.483(pt) of village Kandivali, Taluka-Borivali, Charkop Marve Road, opposite Industrial Estate Charkop, Kandivali (West),

Mumbai-400 067. The respondent issued Shop and Establishment Licence under Section 394 of B.M.C.Act in 1986. The petitioner has also been granted certificate under the Maharashtra Prevention of Food Adulteration Rules, 1962, since 1990. The said structure has been censused by the Government and had been issued photopass/pitch holder in respect of the suit premises.

3. In the first week of June, 1999 the Officer of the Respondent R/South Ward approached the petitioner and the occupants of the area with request to remove their premises in the interest of public for widening the road, and offered to provide permanent alternate accommodation in lieu of the suit premises.

4. In the interest of public at large, the petitioner gave permission to the respondents for demolition of the suit premises. Thereafter, the premises came to be demolished. Thereafter the petitioner received a letter dated 31.3.2001 from the Ward Officer, R/South Ward, which is annexed as Exhibit "F" to the Petition. By the said

letter, it was informed to the petitioner that a temporary alternate accommodation of 20‘0" X 27‘0" at CTS No.1304 at M.G.Road, Kandivali (West) has been allotted to him. However, inspite of the letter of allotment, till today the petitioner has not been allotted any alternate accommodation. Hence, the petitioner has approached this Court.

5. Ms.Puranik learned Counsel for the respondent has stated that vide letter dated 31.3.2001 issued by the Ward Officer, R/South Ward the petitioner has been allotted a temporary alternate accommodation where the petitioner is allowed to construct a structure as per the sketch, location and as per other specifications mentioned in the said letter and its annexures. The learned Counsel for the petitioner submitted that the petitioner is agreeable to accept the said alternate accommodation which is being provided to him vide letter dated 31.3.2001 annexed at Exhibit "F".

6. In view of the above statement, the learned Counsel for the petitioner does not wish to press

the present Petition. In the light of the above facts, it is directed that the petitioner be put in possession of the said alternate accommodation within a period of four weeks from today. In case, the petitioner is not put in possession of the said alternate accommodation within a period of four weeks from today, liberty is granted to the petitioner to approach this Court.

7. Writ Petition is disposed of accordingly. There shall be no order as to costs.

[F.I.REBELLO,J.]

[SMT.V.K.TAHILRAMANI,J.]